

CERTIFIED MAIL

October 7, 1981

Mr. Robert Henrickson
P. O. Box 1213
Kamuela, HI 96743

Dear Mr. Henrickson:

Variance Application (V81-12)
Minimum Pavement Width - Non-Dedicable Street
TMK: 6-6-04: 89 South Kohala

After reviewing your application and the information submitted in behalf of it, the Planning Director by this letter hereby certifies the approval of your variance request to allow the creation of a 2-lot subdivision utilizing an existing 14-foot wide pavement as access in lieu of the minimum requirement of providing a 16-foot wide pavement within a thirty (30) foot roadway.

The approval is based on the following:

1. That there are special and unusual circumstances applying to the subject property which do not generally apply to surrounding property or improvements in the same district. According to the Subdivision Code, the minimum road improvements for a subdivision containing four (4) to six (6) lots is a 16-foot pavement within a 20-foot right-of-way. The original 3-lot subdivision approved in 1972 was required to provide a 14-foot pavement which was constructed within a 30-foot private roadway lot. This roadway lot is approximately 1,100 feet long. It contains two sharp right-angled turns and poor sight distance at several areas.

Based on existing zoning, a total of nine (9) lots could be created within the existing subdivision provided that the requirements of both the Zoning and Subdivision Control Code could be met. In terms of access and roadway improvements, for subdivisions exceeding six (6) lots, a minimum right-of-way of fifty (50) foot and twenty (20) foot pavement is required. The situation is thus one where strict adherence to the code standard would require curve

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sight distance and pavement widening improvements to be imposed for the present subdivision request when future subdivision requirements would make said improvements obsolete. Although said conditions are not unique to immediately surrounding properties, unusual circumstances do exist to an extent whereby literal compliance with the existing subdivision requirements would not be conducive to the long-term intent of the Subdivision Code.

To require full improvements (fifty (50)-foot right-of-way with twenty (20)-foot pavement) by a single subdivider would also constitute an unfavorable alternative at the present time and thus, special or unusual conditions would still apply to the subject property.

2. Said special circumstances exist to a degree which interferes with the best use or manner of development of the property. As indicated above, certain access improvements to this property are required for the creation of additional lots. With the creation of one (1) additional lot, the use density and traffic flow increase will be minimal; thus, the requirement of improving approximately 1,000 feet of existing roadway by two feet would create an obvious developmental hardship in comparison to the benefits derived by imposing said improvements.
3. Granting of the Variance would not constitute a grant of special privilege. Due to the unusual circumstances regarding this, and other properties in the original subdivision, granting of the roadway improvement variance would not constitute a personal or special privilege since all existing lots taking access from the roadway lot have similar potential for re-subdivision and would be subject to similar roadway improvement requirements.
4. Granting of this Variance will not be inconsistent with the intent and purpose of the subdivision code nor the General Plan and will not be materially detrimental to the public welfare or injurious to properties in the near vicinity. The subject roadway improvements are intended to insure upgrading of access conditions in accordance with increases in land use and traffic flows. For this request, the granting of a variance from providing incremental roadway improvements will not foreclose the long term objectives of the Subdivision and Zoning Codes as future re-subdivisions are proposed for surrounding properties. As indicated earlier, ultimate development under existing zoning may allow a total number of residential lots which would require pavement and right-of-way widths in excess of that provided by the existing roadway lots. Although the

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existing roadway has sufficient pavement width to accommodate a minimal increase in low density, residentially oriented traffic, conditions of approval to improve sight distances and turning radii will insure that the public welfare and/or surrounding property rights are not adversely compromised by granting of the subject request.

The conditions of approval are:

1. That the petitioner shall improve the sight distances and turning radii within the existing roadway lot meeting with the approval of the Chief Engineer.
2. That the petitioner shall secure final subdivision approval within one (1) year from the effective date of this Variance. Further, that no further variances from roadway requirements shall be considered for re-subdivision of any lot(s) created under this subdivision approval. This condition shall be incorporated in the deed for each lot when filed with the Bureau of Conveyances.
3. That the applicant shall comply with all other applicable State and County rules, regulations, and requirements.

Should any of the foregoing not be met, the Variance Permit may be deemed null and void.

If you have any questions on this matter, please feel free to contact us.

Sincerely,

SIDNEY FUKI
Planning Director

DT:lrp

cc: Public Works

bcc: Subdivision Section